

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KURTIS MONSCHKE,

Petitioner,

v.

JAMES N. CROSS and ELDON VAIL,

Respondents.

No. C11-5276 RBL/KLS

ORDER FOR SERVICE AND  
RETURN § 2254 PETITION AND  
NOTING PETITIONER'S MOTION FOR  
STAY AND ABEYANCE

(1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of (1) the petition, (2) all documents in support thereof, (3) Petitioner's Motion for Stay and Abeyance (ECF No. 4), and (4) this Order. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The Clerk will also send a courtesy copy of the Petition to the Washington State Attorney General's Office.

(2) Within forty-five (45) days after such service, Respondent shall file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, Respondent should state whether Petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why an answer is inadequate. Respondent shall file the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

1 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
2 upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday  
3 after the answer is filed, Petitioner may file and serve a response not later than on the Monday  
4 immediately preceding the Friday appointed for consideration of the matter, and Respondent  
5 may file and serve a reply brief not later than the Friday designated for consideration of the  
6 matter.  
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8 (4) Respondent is directed to file a response to Petitioner's motion for stay and  
9 abeyance (ECF No. 4) **on or before May 6, 2011**. The Clerk is directed to **re-note** Petitioner's  
10 Motion to Stay and Hold in Abeyance (ECF No. 4) on the court's calendar for **May 6, 2011**.

11 **DATED** this 19th day of April, 2011.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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